

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

0

CIVIL MINUTES - GENERAL

Case No. CV 11-2858 CAS (JCx) Date May 16, 2011

Title BENJAMIN WHITE v. AURORA LOAN SERVICES, LLC

Present: The Honorable CHRISTINA A. SNYDER

CATHERINE JEANG

LAURA ELIAS

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Michael Lisko

**Proceedings: DEFENDANT'S MOTION TO DISMISS PURSUANT TO
RULE 12(b)(6) (filed 04/12/11)**

On February 28, 2011, plaintiff Benjamin White filed suit in the Los Angeles County Superior Court against defendant Aurora Loan Services LLC, and Does 1 through 50, inclusive. Plaintiffs complaint advances four claims for relief for: (1) quiet title of real property; (2) demand for an accounting; (3) intentional misrepresentation/ deceit; and (4) declaratory relief. On April 5, 2011, defendant removed the action to this Court on the basis of diversity jurisdiction. See 28 U.S.C. §§ 1332(a) and 1441(b).

On April 12, 2011, defendant filed a motion to dismiss plaintiff's complaint. Plaintiff failed to timely file and serve an opposition. Indeed, plaintiff has not filed any opposition to defendant's motion to dismiss. The Court held a hearing on May 16, 2011, to which plaintiff did not appear.

The Court finds that no good reason has been provided for the failure to oppose defendant's motion. Pursuant to Local Rule 7-12, plaintiff's failure to oppose this motion may be deemed by the Court as consent to the granting of this motion. Therefore, the Court GRANTS defendant's motion to dismiss without prejudice. Plaintiff shall file an amended complaint within **twenty (20) days** after the filing of this order. Plaintiff is admonished that, in the event that he does not amend the complaint within **twenty (20) days**, the Court will dismiss this action with prejudice.

IT IS SO ORDERED.

Initials of Preparer

00 : 02

CMJ